

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ARTHUR MARTIN GONZALES,

Plaintiff,

vs.

Civ. No. 21-00111 KG-SMV

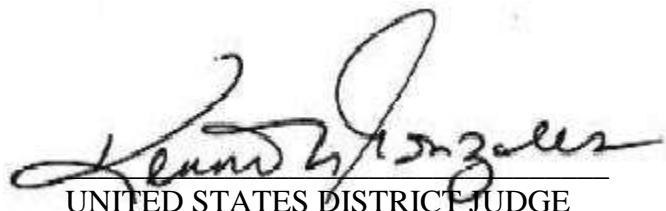
KILOLO KIJAKAZI,<sup>1</sup>  
Acting Commissioner of the Social Security  
Administration,

Defendant.

ORDER GRANTING UNOPPOSED MOTION FOR ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT

The Court, having reviewed the parties' Unopposed Motion for Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412 (Doc. 35), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$8,600.00 in attorney fees and \$402.00 in filing fees. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Kilolo Kijakazi was appointed Acting Commissioner of the Social Security Administration on July 9, 2021.

SUBMITTED AND APPROVED BY:

Submitted Electronically 8/31/22

Laura J. Johnson  
Attorney for Plaintiff  
Michael Armstrong Law Office, LLC

Electronically Approved 8/31/22

Victoria Johnson  
Special Assistant United States Attorney